

JS 44 (Rev. 06/17)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS Cheryl Turk

DEFENDANTS State Farm Mutual Automobile Insurance Company  
d/b/a State Farm Insurance Co.(b) County of Residence of First Listed Plaintiff Bucks  
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant McLean  
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.(c) Attorneys (Firm Name, Address, and Telephone Number) Jeffrey Michels, Esquire  
1234 Bridgetown Pike, Suite 110, Feasterville, PA 19053  
215-461-2660Attorneys (If Known) Lori Miller, Esquire  
121 S. Broad Street, 16th Floor, Philadelphia, PA 19107  
217-735-3994

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question  
(U.S. Government Not a Party)
- ☒ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                                       |                                       |   |                            |                            |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
|   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1            | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for Nature of Suit Code Descriptions.

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input checked="" type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause: Pursuit of UIM Benefits

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44****Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.



## UNITED STATES DISTRICT COURT

## APPENDIX F

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff 2013 Sunrise Way, Jamison, PA 18929

Address of Defendant One State Farm Plaza, Bloomington, IL 61710

Place of Accident, Incident or Transaction: insurance contract

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases  
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☒ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases  
(Please specify)

### ARBITRATION CERTIFICATION

(Check appropriate Category)

I, \_\_\_\_\_, counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: \_\_\_\_\_

Attorney-at-Law

Attorney I.D.# \_\_\_\_\_

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 4/27/18

\_\_\_\_\_

\_\_\_\_\_

## APPENDIX I

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIACASE MANAGEMENT TRACK DESIGNATION FORM

Cheryl Turk

CIVIL ACTION

v.

State Farm Mutual Automobile Insurance Company  
d/b/a State Farm Insurance Co.

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

## SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

April 27, 2018	Lori Miller	State Farm Mutual Automobile Insurance Company
<hr/> Date	<hr/> Attorney-at-law	<hr/> Attorney for
215-735-3994	215-735-1133	lmiller@gmrlawfirm.com
<hr/> Telephone	<hr/> FAX Number	<hr/> E-Mail Address

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

CHERYL TURK

v.

STATE FARM MUTUAL AUTOMOBILE :  
INSURANCE COMPANY d/b/a :  
STATE FARM INSURANCE CO. :

NO.

DISCLOSURE STATEMENT FORM

Please check one box:

X The nongovernmental corporate party, State Farm Mutual Automobile Insurance Company, in the above listed civil action does not have any parent corporation and publicly held corporation that owns 10% or more of its stock.

The nongovernmental corporate party, \_\_\_\_\_ in the above listed civil action has the following parent corporation(s) and publicly held corporation(s) that owns 10% or more of its stock:

4/24/18

Date

[Signature]

Signature

Counsel for: State Farm Mutual Automobile Insurance Company





6. Plaintiff's complaint alleges that policy at issue provided first-party medical benefits in the amount of \$100,000 and the count for Breach of Contract claims that Plaintiff is entitled to an award in excess of \$50,000. *See Exhibit A.*

7. The count for Statutory Bad Faith in Plaintiff's complaint also alleges that Plaintiff is entitled to an award in excess of \$50,000. *See Exhibit A.*

8. Pursuant to 28 U.S.C. § 1332 the amount in controversy between Plaintiff and State Farm is in excess of Seventy-Five Thousand Dollars (\$75,000) exclusive of interest and costs, based upon the aggregate amount of Plaintiff's claims against State Farm in excess of \$100,000 plus attorney's fees and punitive damages since each Count (I-II) states a district cause of action against State Farm.

9. In addition, the amount in controversy is in excess of \$75,000 exclusive of interest and costs for the Plaintiff, based on the fact that punitive damages, such as those authorized by the Pennsylvania bad faith statute, 42 Pa.C.S. § 8371, are a permissible way to bridge any jurisdictional gap to the extent any jurisdictional gap exists. Bell v. Preferred Life Assurance Society, 320 U.S. 238 (1943).

10. This is a suit of civil nature and involves a controversy between citizens of different states. Plaintiff is a citizen of the Commonwealth of Pennsylvania. Defendant, State Farm, is a citizen of the State of Illinois.

11. 28 U.S.C. §1446(b) provides that:

(1) The notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.

12. State Farm files this Notice of Removal pursuant to 28 U.S.C. §1446(b)(43).

13. This notice of removal is being filed within thirty (30) days of State Farm's notice of Plaintiff's Complaint, which is timely filed pursuant to 28 U.S.C. § 1446(b)

14. The averments made herein are true and correct with respect to the date upon which the complaint was filed, the date upon which State Farm was served with Plaintiff's Complaint, and the date upon which this notice is being filed.

15. Pursuant to 28 U.S.C. § 1446(d), State Farm has filed this Notice with this Court and is simultaneously serving a copy of this Notice upon counsel for all parties, and is filing a copy in the Court of Common Pleas of Philadelphia County, Pennsylvania.

WHEREFORE, State Farm Mutual Automobile Insurance Company hereby removes this suit to this Honorable Court pursuant to the laws of the United States.

GOLDBERG, MILLER & RUBIN P.C.

BY: 

Lori Miller, Esquire  
I.D. NO. 60197  
Suite 1600, North American Building  
121 South Broad Street  
Philadelphia, PA 19107  
(215) 735-3994  
Attorney for Defendant  
State Farm Mutual Automobile Insurance Company



IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

CHERYL TURK

v.

STATE FARM MUTUAL AUTOMOBILE :  
INSURANCE COMPANY d/b/a :  
STATE FARM INSURANCE CO. :

NO.

**NOTICE TO ALL PARTIES**

To: CHERYL TURK  
c/o Jeffrey S. Michels, Esquire  
Law Offices of Jeffrey Michels, LLC  
1234 Bridgetown Pike, Suite 110  
Feasterville, PA 19053

Please take notice that defendant, State Farm Mutual Automobile Insurance Company, by its attorneys Goldberg, Miller & Rubin, P.C. has filed a Notice of Removal in the United States District Court for the Eastern District of Pennsylvania removing to that Court a Civil Action previously pending in the Court of Common Pleas of Bucks County, No. 2018-01632 captioned Cheryl Turk v. State Farm Mutual Automobile Insurance Company.

GOLDBERG, MILLER & RUBIN P.C.

BY: 

Lori Miller, Esquire  
I.D. NO. 60197  
Suite 1600, North American Building  
121 South Broad Street  
Philadelphia, PA 19107  
(215) 735-3994  
Attorney for Defendant  
State Farm Mutual Automobile Insurance Company

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

CHERYL TURK

v.

STATE FARM MUTUAL AUTOMOBILE :  
INSURANCE COMPANY d/b/a : NO.  
STATE FARM INSURANCE CO. :

PROOF OF FILING

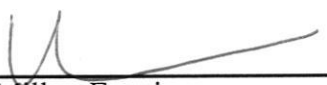
COMMONWEALTH OF PENNSYLVANIA :

COUNTY OF BUCKS :

Lori Miller, Esquire, being duly sworn according to law, deposes and says that she is an attorney in the law firm of Goldberg, Miller & Rubin, P.C. attorneys for Defendant, State Farm Mutual Automobile Insurance Company and that she did direct the filing with the Prothonotary of the Court of Common Pleas of Bucks County a copy of the Notice of Removal attached hereto, said filing to be made on April 27, 2018.

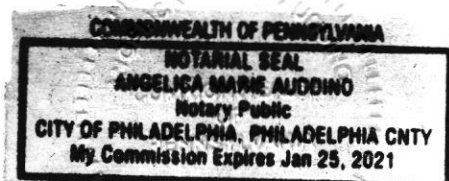
GOLDBERG, MILLER & RUBIN P.C.

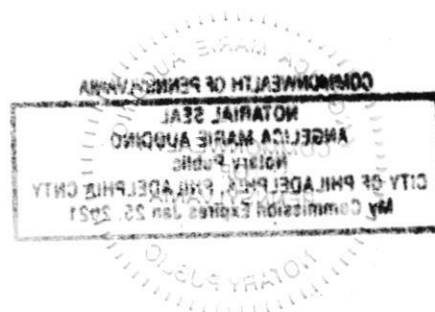
BY:

  
Lori Miller, Esquire  
I.D. NO. 60197  
Suite 1600, North American Building  
121 South Broad Street  
Philadelphia, PA 19107  
(215) 735-3994  
Attorney for Defendants,  
State Farm Mutual Automobile Insurance Company

Sworn and subscribed to  
me on this 27<sup>th</sup> day  
of April, 2018

  
NOTARY PUBLIC







IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

CHERYL TURK

v.

STATE FARM MUTUAL AUTOMOBILE :  
INSURANCE COMPANY d/b/a :  
STATE FARM INSURANCE CO. :


NO.

Lori Miller, Esquire, after being first duly sworn upon oath, deposes and says that she is a partner in the law firm of Goldberg, Miller & Rubin, P.C. attorneys for the Defendant, State Farm Mutual Insurance Company, and that she did serve on April 27, 2018 the aforementioned Notice to all parties listed below depositing a copy of same in the United States Post Office box, postage pre-paid, enclosed in an envelope plainly addressed to:

CHERYL TURK  
c/o Jeffrey S. Michels, Esquire  
Law Offices of Jeffrey Michels, LLC  
1234 Bridgetown Pike, Suite 110  
Feasterville, PA 19053

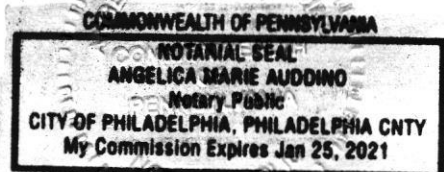
GOLDBERG, MILLER & RUBIN P.C.

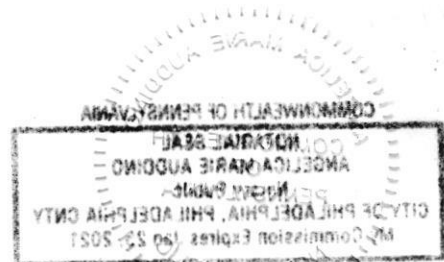
BY:

  
Lori Miller, Esquire  
I.D. NO. 60197  
Suite 1600, North American Building  
121 South Broad Street  
Philadelphia, PA 19107  
(215) 735-3994  
Attorney for Defendants,  
State Farm Mutual Automobile Insurance Company

Sworn and subscribed to  
me on this 27<sup>th</sup> day  
of April, 2018

  
NOTARY PUBLIC





# EXHIBIT A





## COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA

CHERYL TURK

vs.

STATE FARM MUTUAL AUTOMOBILE INSURANCE  
COMPANY

NO. 2018-01632

**CIVIL COVER SHEET**

State Rule 205.5 requires this form be attached to any document commencing an action in the Bucks County Court of Common Pleas. The information provided herein is used solely as an aid in tracking cases in the court system. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Name of Plaintiff/Appellant's Attorney: JEFFREY S. MICHELS, Esq., ID: 49556

Self-Represented (Pro Se) Litigant ☐

**Class Action Suit** ☐ Yes ☒ No

**MDJ Appeal** ☐ Yes ☒ No

**Money Damages Requested** ☒

**Commencement of Action:**

Complaint

**Amount in Controversy:**

\$50,000 or less

**Case Type and Code**

Contract:

Other

**Other:** FIRST PARTY MEDICAL BENEFITS

JEFFREY S. MICHELS, ESQUIRE  
 LAW OFFICES OF JEFFREY MICHELS, LLC  
 1234 BRIDGETOWN PIKE, SUITE 110  
 FEASTERVILLE, PA 19053  
 (215) 461-2660  
 IDENTIFICATION NO. 49556

ARBITRATION CASE  
 AN ASSESSMENT OF DAMAGES  
 HEARING IS REQUIRED

ATTORNEY FOR PLAINTIFF

CHERYL TURK  
 2013 Sunrise Way  
 Jamison, PA 18929

BUCKS COUNTY  
 COURT OF COMMON PLEAS  
 TRIAL DIVISION

vs.

NO.

STATE FARM MUTUAL AUTOMOBILE  
 INSURANCE COMPANY, d/b/a STATE  
 FARM INSURANCE CO.  
 One State Farm Drive  
 Concordville, PA 19339

### **NOTICE TO DEFEND**

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE, IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Buck County Bar Association  
 135 East State Street  
 P.O. Box 300  
 Doylestown, PA 18901  
 Phone (215)348-9413, 1-800-479-8585,  
 Fax (215)348-3277  
 www.bucksbar.org  
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IDENTIFICATION NO. 49556

ARBITRATION CASE  
AN ASSESSMENT OF DAMAGES  
HEARING IS REQUIRED

ATTORNEY FOR PLAINTIFF

CHERYL TURK  
2013 Sunrise Way  
Jamison, PA 18929

BUCKS COUNTY  
COURT OF COMMON PLEAS  
TRIAL DIVISION

vs.

NO.

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY, d/b/a STATE  
FARM INSURANCE CO.  
One State Farm Drive  
Concordville, PA 19339

**CIVIL ACTION**  
**1C - CONTRACT**

1. Plaintiff, CHERYL TURK, is an individual who currently resides at 2013 Sunrise Way, Jamison, Pennsylvania 18929.

2. Defendant, STATE FARM MUTUAL INSURANCE COMPANY, d/b/a STATE FARM INSURANCE COMPANY (hereinafter, "Defendant STATE FARM") is a foreign corporation that conducts business within Bucks County, Pennsylvania and maintains a registered office for service of process at One State Farm Drive, Concordville, Pennsylvania 19339.

3. On or about June 6, 2017, Plaintiff, CHERYL TURK, sustained personal injuries in a motor vehicle accident.

4. On the aforesaid date, Plaintiff, CHERYL TURK was driving her work vehicle, a 2002 Chevy Astro, which was owned by Cheryl's Custom Cleaners, LLC, a Pennsylvania limited liability company owned by Plaintiff, CHERYL TURK.



5. On the aforesaid date, the vehicle Plaintiff, CHERYL TURK was driving was covered by a policy of automobile insurance in the name of Cheryl's Custom Cleaners, LLC, issued by Defendant, STATE FARM, policy number 0758576-E01-38B (hereinafter, the "POLICY"). A true and correct copy of the applicable Declaration Page issued by Defendant, STATE FARM, is attached hereto as Exhibit "A", and is incorporated herein by reference.

6. Plaintiff, CHERYL TURK, as the owner and employee of Cheryl's Custom Cleaners, LLC, was entitled to receive first-party medical loss benefits under the POLICY issued by Defendant, STATE FARM, pursuant to 75 Pa.C.S.A. 1713(a)(2).

7. As a result of the automobile accident of June 6, 2017, Plaintiff, CHERYL TURK, suffered severe and permanent internal and external injuries in and about the head, body and limbs, including but not limited to: lumbar disc herniation confirmed by MRI; lumbar radiculopathy, cervical radiculopathy; aggravation of left hand first finger CMC joint osteoarthritis; right long finger stenosing tenosynovitis; and acute post traumatic cervical, dorsal and lumbosacral sprain and strain.

8. As a further result of the automobile accident, Plaintiff, CHERYL TURK, has been obliged to receive and undergo medical attention and care and to expend various sums of money or to incur various expenses for which medical benefits are payable under the POLICY.

9. Plaintiff, CHERYL TURK, may be obliged to continue to expend various sums of money for an indefinite period of time into the future in order to receive treatment for the injuries suffered in the above-mentioned accident.

10. The POLICY provided Plaintiff with a total of \$100,000.00 in first-party medical loss benefits.

11. Defendant, STATE FARM, is refusing to pay any medical bills claiming that Plaintiff was insured on a personal automobile insurance policy with Allstate, despite the fact that Plaintiff, CHERYL TURK, was in the course of her employment and was driving the vehicle insured by Defendant, STATE FARM, at the time of the accident.

12. At various times, Plaintiff, CHERYL TURK's medical providers have requested that Defendant, STATE FARM, pay these medical bills (under Defendant, STATE FARM's claim number: 380360C94) which have accumulated between June 6, 2017 to present.

13. All of the medical bills Plaintiff, CHERYL TURK, has incurred are fair and reasonable, and all treatment specified therein and continuing to be performed was and is medically necessary as a result of the injuries that Plaintiff, CHERYL TURK, sustained in the accident of June 6, 2017.

14. To date, Defendant, STATE FARM, has failed to pay any of the medical bills attributable to the injuries sustained by Plaintiff, CHERYL TURK, in the accident of June 6, 2017.

#### **COUNT I - BREACH OF CONTRACT**

15. Plaintiff, CHERYL TURK, incorporates herein by reference the averments contained in paragraphs 1 through 14 inclusive, as fully as though the same were herein set forth at length.

16. As a direct result of the Defendant, STATE FARM's refusal to pay the balance of necessary and reasonable medical expenses due under the terms and conditions of the POLICY and the Pennsylvania Motor Vehicle Financial Responsibility Law, Plaintiff, CHERYL TURK, has been required to hire an attorney to collect the medical bills herein due.